



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FINAL REVISED
FACT SHEET FOR H.B. 2224

private firearm transactions; prohibited encumbrances

Purpose

Prohibits the state or any political subdivision from implementing an additional fee or other encumbrance on the lawful transfer of a firearm between two private parties.

Background

Current law prohibits, with exceptions, a political subdivision from enacting any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms or ammunition or components or related accessories (A.R.S. § 13-3108). However, a political subdivision can impose privilege or use tax at a rate which applies to other items, on the retail sale, lease or rental of firearms, ammunition or any firearm or ammunition components.

Additionally, statute prohibits with exception of the Legislature, any state agency or political subdivision from enacting or implementing any law, rule or ordinance relating to the possession, transfer or storage of firearms which is not provided for in statute (A.R.S. § 13-3118).

According to statute, certain individuals are prohibited from possessing a firearm including the following: 1) a person who has been found to constitute a danger to self or to others or to have persistent or acute disabilities or grave disabilities pursuant to court order, and whose right to possess a firearm has not been restored; 2) a person who has been convicted within or without this state of a felony, or who has been adjudicated delinquent for a felony and whose civil right to possess or carry a firearm has not been restored; 3) a person who is at the time of possession serving a term of probation in relation to a conviction for a domestic violence offense or a felony offense, parole, community supervision, work furlough, home arrest or other release, or who is serving a term of probation or parole pursuant to the interstate compact; and 4) a person who is an undocumented alien or a nonimmigrant alien traveling with or without documentation in this state for business or pleasure, or who is studying in this state and maintains a foreign residence abroad (A.R.S. § 13-3101).

Federal law prohibits the following individuals from possessing a firearm: 1) a person under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year; 2) a person convicted of a crime punishable by imprisonment for a term exceeding one year; 3) a person who is a fugitive from justice; 4) a person who is an unlawful

user of or addicted to any controlled substance; 5) a person who has been adjudicated as a mental defective or has been committed to any mental institution; 6) a person who is an illegal alien; 7) a person who has been discharged from the military under dishonorable conditions; 8) a person who has renounced his or her United States citizenship; 9) a person who is subject to a court order restraining the person from harassing, stalking or threatening an intimate partner or child of the intimate partner; or 10) a person who has been convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922G and N).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the state or any county, city or town in the state from enacting or implementing any additional fee, tax, assessment, lien or other encumbrance on the transfer of a firearm between two private parties who are not prohibited from possessing a firearm under state or federal law.
2. Defines *firearm*, *private party* and *transfer*.
3. Becomes effective on the general effective date.

House Action

JUD 1/27/16 DPA 4-2-0
3rd Read 2/18/16 35-23-2

Senate Action

GOV 3/2/16 DP 4-2-1
3rd Read 3/24/16 19-10-1

Signed by the Governor 3/30/16
Chapter 84

Prepared by Senate Research
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RH/JO/rf